

**APPROVED Minutes**  
**BROOKFIELD PLANNING COMMISSION**  
**THURSDAY, May 3, 2012 7:30 PM**  
**MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

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**1. Convene Meeting:** Chairman J. Van Hise convened the meeting at 7:30 p.m. and established a quorum of members: Chairman J. Van Hise; Vice Chairman A. Kerley; Secretary D. Frankel; Regular members: P. Conlon; Alternates L. Taylor\* and N. Tolmoff. Also present: Town Engineer R. Tedesco, and Community Development Director K. Daniel.

**Absent:** R. Baiad, Regular member.

**2. Review Minutes of Previous Meetings: 04/5/12:** A motion to approve the Minutes of April 19, 2012, as amended\*, was made by D. Frankel, seconded by L. Taylor and carried 4-0-1 with P. Conlon abstaining: not present at this meeting. \*Amendments: Page Two: near the bottom: change “on” May 3<sup>rd</sup> to “after” May 3<sup>rd</sup>. Page four: Change the word “eras” to “errors”.

**A motion to amend the agenda to go to item 5: Review of Other Boards and Commissions was made by A. Kerley, seconded by P. Conlon and carried unanimously.**

**5. Minutes of Other Boards and Commissions:**

Inland Wetlands Commission 4/23/12: Chairman Van Hise noted that per the minutes, the Public Hearing has been continued for 101 Obtuse Hill Road/Whispering Glen II, an application also before this Commission. A report must be received from the Wetlands Commission before this Commission can make its decision. The Wetlands Commission also inspected 540 Federal Road.

**6. Correspondence:**

- a. Memo from N. Mack to the Planning Commission dated 4/27/12 re: Public Hearing Reschedule to May 17, 2012, for Applications #201200258, 201200259, 201200260, 201200261: The Commission replied to all of these last week
- b. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter dated Spring 2012 Volume 16, Issue 2

**7. Informal Discussion:**

Chairman J. Van Hise added the following:

- a. **Town Center District : Charrette Plan from May 7 – 10:** J. Van Hise suggested Commissioners attend the 7-9 p.m. Evening Community Meeting

He continued to outline all of the events over the four days of presentations which include workshops, focus groups and breakout sessions.

**A motion was made by A. Kerley that the Commission take a short recess at 7:41 until the continued Public Hearing for Whispering Glen. Motion seconded by D. Frankel and carried unanimously.**

Recess ended at 7:45 as the Public Hearing continuation opened:

**CONTINUED PUBLIC HEARING: 7:45 pm**

**101 Obtuse Hill Road #201101091: 6-lot subdivision – “Whispering Glen Section II”**

*(PH Close Date 05/12/12; decision date 7/16/12)*

*Present: P. Young for Finmark Homes LLC:* This proposed six-lot subdivision consists of the following previously-approved lots: 5, 6, 7, 9, 11, and 12. Mr. Young outlined his plan and indicated there were some legal documents which were submitted to the Land Use Office,\* but the review of the attorneys is still pending. The Wetlands Commission is still reviewing this application, and they meet again on May 14<sup>th</sup>. Mr. Young believes the subdivision map will not change despite the possible revisions to be suggested by the Wetlands Commission’s engineer. Chairman Van Hise noted the revised bonding estimate which included \$1,100. for pins and monuments; \$5,510 for erosion controls; \$88,490 for subdivision improvements for a total of \$105,000, which has met with R. Tedesco’s approval.

There were no questions from the commissioners. Public comments were presented from J. Miller, 115 Obtuse Hill Road, presented informational packets to the Commissioners which included correspondence she’d written, a copy of Town Attorney Marcus’s opinion on previously-approved subdivision’s responsibilities; a report from Engineer D. DiVesta and photos (undated) of runoff and other drainage issues on or near her property. Mrs. Miller countered Mr. Young’s comment that he believed the map would not change due to the Wetlands’ engineer’s comments. Instead, she contended that Mr. D. DiVesta’s recommendations go beyond “a few things.” Mrs. Miller outlined numerous concerns raised by Mr. DiVesta in his analysis of 8 different submissions by the applicant (plans and calculations) including 13 issues/questions on Lot 7; one on Lot 9; 10 on Lot 11; 17 on Lot 12.

Per Mr. DiVesta, the hydrology calculations from 2008 do not take into consideration the entire watershed on and off site, instead only focusing on the individual detention basin and water quality basins. Although the as-built drainage report prepared by R.J. Gallagher dated August, 2008, claims the use of TR-55, the printout indicates the hydrograph was “rational.”

Mrs. Miller stated that per the engineer’s analysis, this is “not the correct procedure to determine the hydrology of the watershed.” Per Mr. DiVesta’s review of the site during a storm event, the detention basin adjacent to Beers Brook has failed, with water flowing under the “V” weir. Mrs. Miller called this the result of “poor planning and shoddy workmanship.” She indicated that her family is investing nearly \$50,000 in stone walls to “keep the stream from going all over the place,” and called for this to be “done right.” Attorney Marcus’s correspondence stated that: “Where a partially completed site undergoes a change in ownership, the new owner may benefit from any previously issued land use permits, but at the same time the new owner must assume the responsibility of any such permits.” He further indicated that “If prior construction activity on a site

which is partially complete has resulted in negative impacts on wetlands and watercourses which were not anticipated under the original permit of license, any application to complete the permitted activity or to modify the original permitted work must consider the same types of issues that would be before the Commission in an enforcement action.”

Mr. Young responded by saying that Planning Regulations require developers to take into consideration “peak flows”, which were reviewed with Mr. Gallagher, the original engineer. Since then it has been re-calculated and re-assessed by Artel Engineering, which has submitted its report to the Wetlands Commission.

When the Town called the bond, the detention basins were enlarged, and the weirs were raised. Mr. Young felt that this weir “needs maintenance,” which they will do. He refuted Mrs. Miller’s claim that the weir has failed.

Addressing drainage, Mr. Young claimed that the lots are designed to retain any pervious water on the lot, contributing no more to the drainage system. Lot 5 was used as a typical calculation, and then each lot was designed individually this week. Mr. Young will be meeting with Mr. DiVesta next week, addressing every item in his letter. Seven engineers have reviewed this plan since the beginning, he added.

Mrs. Miller urged the Commission: “Make sure you get a ton of money up front, (since) there’s history here that no one can build on this site.”

Mr. Young countered that there does not believe there has been “any damage” to her property in the last five years. He did admit that the previous developer had been responsible for some runoff, but care has been taken with the drainage calculations to reduce runoff.

Although Mrs. Miller called for a very large bond, R. Tedesco insisted on a plan from an engineer outlining what has to be done in order for a larger bonding assessment to be made.

K. Daniel reminded the Commission that Mr. DiVesta’s job is to review the application and not to design something on his own.

Mr. Young felt that the drainage designs are really under the purview of the Wetlands Commission and the Commissioners agreed.

*Prior to the close of the hearing, Chairman Van Hise asked if the legal documents in the packets had been sent to Attorney Marcus for review.*

**A motion to close the Public Hearing for application #201101091, Whispering Glen Section II, was made by A. Kerley, seconded by P. Conlon and carried unanimously.**

3. **Old Business:** There was none at this meeting.
4. **New Business:** There was none at this meeting.
8. **Tabled Items:** There were none at this meeting.

9. **Adjourn:** A motion was made by D. Frankel to adjourn at 8:25 p.m. Motion seconded by Nancy Tolmoff and carried unanimously.

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**J. Van Hise, Chairman**